

Chapter 90

PEDDLERS AND SOLICITORS¹

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¹ **Cross references:** Businesses, ch. 22; streets, sidewalks and other public places, ch. 106.

Sec. 90-1. Definitions².

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvasser and *solicitor* mean a person who goes from place to place within the city soliciting orders for the future delivery of property or services to be performed in the future. It includes any person who occupies any place within the city for the purpose of exhibiting samples and taking orders for future delivery.

Peddler means a person who goes from place to place within the city offering for sale property which he carries with him. It includes vendors who distribute their products to regular customers on established routes.

Transient merchant means a person who engages at a fixed location in the city in the temporary business of selling property at such location. It does not include a person who does not sell from stock but exhibits samples for the purpose of securing orders for future delivery only. It includes a person who associates temporarily with any local business or conducts business in the name of a local merchant, dealer or auctioneer.

Transient photographer means a person who engages in the business of photography in the city temporarily and who does not intend to become and does not become a permanent photographer in the city. Included is anyone who engages in the sale or giving away of photographs, enlargements or coupons therefor from house to house, from an office, room, hotel, store, or home, or in conjunction with any local bona fide resident or business in the city.
(Code 1986, § 12.07(1))

Sec. 90-2. Exemptions from license requirement.

No license shall be required under this chapter of the following:

- (1) Persons selling personal property at wholesale to dealers in such articles.
- (2) Newsboys.
- (3) Merchants or their employees delivering goods in the regular course of business.
- (4) Farmers or truck gardeners offering to sell the products of the farm or garden occupied and cultivated by them.
- (5) A veteran holding a special state license under Wis. Stats. § 440.51, but he shall comply with sections 90-6 and 90-7.
- (6) Any person soliciting for charitable, religious, patriotic or philanthropic purposes where the proceeds thereof are devoted solely to the purposes of the organization.
- (7) Sales required by statute or order of a court.
- (8) Bona fide auction sales conducted pursuant to law.

(Code 1986, § 12.07(2))

² **Cross references:** Definitions generally, § 1-2.

Sec. 90-3. License application fee.

At the time of filing his application, the applicant for a license under this chapter shall pay to the city clerk-treasurer a fee as established by the council from time to time by resolution and as set forth in appendix A to cover the cost of investigation of the facts stated in the application.

(Code 1986, § 12.07(3))

Sec. 90-4. Investigation and approval of license application.

The chief of police may cause the applicant for a license under this chapter and the facts stated in the applicant's application to be investigated, and shall within five days return the application to the city clerk-treasurer with his endorsement approving or disapproving the application.

(Code 1986, § 12.07(4))

Sec. 90-5. Bond.

Every applicant for a license under this chapter who is not a resident of the county or who represents a firm whose principal place of business is located outside of the state shall file with the city clerk-treasurer a surety bond in the amount of \$500.00, approved by the clerk-treasurer, conditioned that the applicant will comply with all provisions of the ordinances of the city and state laws regulating peddlers, canvassers, solicitors, transient merchants and transient photographers, and guaranteeing to any person doing business with the licensee that all money paid as a down payment will be accounted for and applied according to the representations of the licensee, and further guaranteeing that property purchased for future delivery will be delivered according to the representations of the licensee. Action on such bond may be brought by any person aggrieved.

(Code 1986, § 12.07(5))

Sec. 90-6. Excessive noise.

No person licensed under this chapter shall, in hawking his wares, create such noise as is annoying to a person of ordinary sensibilities.

(Code 1986, § 12.07(6))

Sec. 90-7. Use of streets and sidewalks³.

No licensee under this chapter shall use the public streets or sidewalks for purposes of sales in such a manner as to impede or inconvenience the public use of the streets or sidewalks.

(Code 1986, § 12.07(7))

³ **Cross references:** Streets, sidewalks and public places, ch. 106.